

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv581**

CLARENCE L. BARBER,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
CITY OF CHARLOTTE (CITIZENS)	
REVIEW BOARD); and CHARLOTTE)	
MECKLENBURG POLICE)	
DEPARTMENT,)	
)	
Defendants.)	
)	

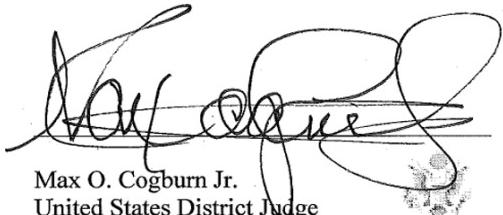
THIS MATTER is before the court on plaintiff's Motion for Clarification on Response Deadline (#33). While defendants filed an Amended Motion for Summary Judgment (#31) on September 26, 2012, they took no action to cancel their original Motion for Summary Judgment (#29), which left pending plaintiff's Motion for Extension of Time to File Response to the [original] Motion for Summary Judgment (#30). The court will, therefore, terminate the original Motion for Summary Judgment (#31), the mooted Motion for Extension of Time (#30), and strike the Order (#32) as improvidently granted.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion for Clarification on Response Deadline (#33) is **ALLOWED**, and the original Motion for Summary Judgment (#31) is **TERMINATED** as withdrawn in favor of the Amended Motion for Summary Judgment, the Motion for Extension of Time (#30) is **DENIED** as moot, and Order (#32) is **STRICKEN** as improvidently granted.

Respective counsel are advised to seasonably file notices of withdrawal of motions that are moot.

Signed: October 16, 2012



The image shows a handwritten signature in black ink. The signature reads "Max O. Cogburn Jr." followed by a small, stylized drawing of a gavel or scales of justice.

Max O. Cogburn Jr.
United States District Judge